

Young / Sommer LLC

JEFFREY S. BAKER
DAVID C. BRENNAN
JOSEPH F. CASTIGLIONE
JAMES A. MUSCATO II
J. MICHAEL NAUGHTON
ROBERT A. PANASCI
ALLYSON M. PHILLIPS
DEAN S. SOMMER
KEVIN M. YOUNG

LAURA K. BOMYEA
E. HYDE CLARKE
JESSICA ANSERT KLAMI
KRISTINA M. MAGNE
KRISTIN LAVIOLETTE PRATT

COUNSELORS AT LAW

EXECUTIVE WOODS, FIVE PALISADES DRIVE, ALBANY, NY 12205
Phone: 518-438-9907 • Fax: 518-438-9914

www.youngsommer.com

SENIOR COUNSEL
MICHAEL J. MOORE
KENNETH S. RITZENBERG
DOUGLAS H. WARD

OF COUNSEL
SUE H.R. ADLER
ROGER FLORIO
LAUREN L. HUNT
ELIZABETH M. MORSS
SCOTT P. OLSON
STEPHEN C. PRUDENTE
KRISTIN CARTER ROWE

PARALEGALS
ALLYSSA T. MOODY
AMY S. YOUNG

Writer's Telephone Extension: 253
amooddy@youngsommer.com

January 10, 2018

VIA ONLINE SUBMISSION

Regional Freedom of Information Officer
U.S. EPA, Region 2
290 Broadway, 26th Floor
New York, NY 10007-1866

RE: FOIA Request

Dear Freedom of Information Officer:

This is a request for records pursuant to the United States Freedom of Information Act (FOIA) for records within the possession or control of the U.S. Department of Defense (the "Department"). Please provide the undersigned with the following:

- Any and all records, including testing data, reports, groundwater flow data, correspondence, notes, maps, and photographs related to the Cannizzaro Plaza and Mobil Station, located at 420 Route 376, in the Town of East Fishkill (Hopewell Junction), New York, specific to, but not limited to, underground injection control, public and private water, wells, dry wells, and MTBE or other contaminants impacting water and/or soil, and any written complaints from area residents/land owners concerning contamination impacts.

For reference, enclosed please find documents obtained from the New York State Department of Environmental Conservation discussing referral of the above-mentioned site to the US EPA.

Please reply to this request as soon as possible. Please provide copies of records to my email at amooddy@youngsommer.com, if possible. Otherwise, please send to my office address provided above. I request a fee limit of \$100.00. If associated fees are above \$100.00, please contact me before any changes are incurred.

If for any reason, any portion of this request is denied, please inform the undersigned of the identity of such record(s) and the reasons for the denial in writing.

If you have any questions, please do not hesitate to call me at (518) 438-9907 ext. 253. Thank you for your attention to this matter.

Very truly yours,
YOUNG/SOMMER LLC

A handwritten signature in black ink, appearing to read 'Allyssa T. Moody', with a stylized, flowing script.

Allyssa T. Moody
Paralegal

0207866

NYSDEC INITIAL SPILL REPORT FORM

0207866

DEC Region: 3 - New Paltz

Spill No.: 0207866

Spill Name :

Caller Info :

TONY CANNIZZARO

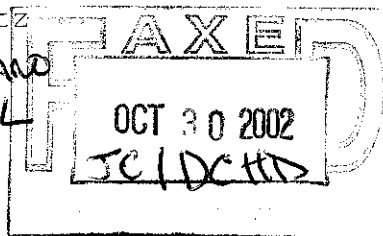
CANNIZZARO MOBIL

(845) 226-4445

Lead DEC :

Notifier Info :

SAME



Spill Date: 10/29/2002

CID#: 282

Call Received Date: 10/29/2002

Spill Time: 16:35 hrs.

Call Received Time: 16:46 hrs.

Material Spilled:

1) GASOLINE

2)

3)

4)

Class:

Petrol

Spilled:

Unknown Gal

Recovered:

Unknown

Spill Location:

CANNIZZARO MOBIL

420 RT 376

HOPEWELL JUNCTION CO: Dutchess

Contact: TONY CANNIZZARO

Phone: (845) 226-4445

Potential Spiller Info:

CANNIZZARO MOBIL

420 RT 376

HOPEWELL JUNCTION, NY 12533-

Contact: SAME

Phone:

Spill Cause: Tank Failure

Resource Affected: On Land

Source: Gasoline Station

Waterbody:

Spill Reported by: Responsible Party

Caller Remarks:

THEY HAVE GASOLINE IN THE ANNULAR SPACE AROUND THE TANK.

TANK HAS BEEN SHUT DOWN.

4K US tank 584 gal. regular gas remaining in tank

11-18-02 UMC & HM: HM to site inspect
MON 11-18-02
Meet w/ M. CAN, Tony
Noted dry wells
NOT REMOVED

ON phone w/ Brigit, IDC pumped out the inner

11-19-02 1245-500

TUE @ 1300: OVERCAST; UMC SITE INSPECT

PBS Number:

3.

Tank Number

Tank Size

Test Method

Leak Rate

1)

2)

3)

Classification:

B-3

Meets Standards?:

EDO: Y - N

OUST Eligible?:

Regional Close Date: 2/20/08

1) IDC
NOT COMPACTED
FOR REMOVAL
of dry wells

CUT & to be RE SPliced/REPAIRED
MON SYSTEM FOR OTHER TANK: WIRES
HAD TO BE CUT FOR REMOVAL & BEING
REPAIRED FOR RETURNING TO SERVICE

Pin No.:

Name:

CANNIZZAROMOBIL

Location:

420 RD 376, Hopewell Junction County: Dutchess

County: Dutchess

Telephone Contact Person:

SITE ACTIVITY:

112502, P. Dec & VMC: UPDATE

-) CMC to complete Ref. Form (INFO to Beth Zicca

3.2505⁰ Messon Voke MAIL: 3.2405⁰
END 11 20

1) Best ZICCA / TT + VMC

3) 2805: UMe 1 Beth ZICCA / TT: CNUBK
1435:

1) to Ref CAN, MOBIL to EPA on MON

FURTHER ACTION NEEDED:

U/A

PREPARED BY:

Vineyard B No 6 DATE: 2 2008

DATE:

From: Pete DeCicco
To: Zicca, Elizabeth
Date: 12/4/02 11:29AM
Subject: Re: Cannizaro Dry Well

Thanks Beth, I will forward this to Vin McCabe who will provide the info.

>>> Elizabeth Zicca 12/04/02 11:05AM >>>
Hello Pete - Hope you enjoyed Thanksgiving.

In order to refer this site to EPA as a UIC - I need to know the following:

- (1) How did you guys find this? When?
- (2) Is it a floor drain that discharge to dry well?
- (3) Owner Name/Address (Phone # optional)
- (4) Facility Name/Address/Location
- (5) Were they instructed to plug the floor drain and cease further discharge?

Thanks,
Beth

CC: Doshna, Peter; McCabe, Vincent

From: Elizabeth Zicca
To: Vincent McCabe
Date: 1/21/03 3:56PM
Subject: Cannizaro Dry Well

Vinny,

Did you ever forward me the info on this site so I can do a UIC referral to EPA?

Thanks,
Beth

VINNY

PLS. COMPLETE REFERRALS

DISCUSSED. TX

PETE

From: Peter Doshna
To: DeCicco, Pete
Date: 11/7/02 11:16AM
Subject: Cannizaro Plaza

Pete

Could you give me the facility address and mailing address of the site with the dry wells and the date Vin verified the wells were still there. I'll then get it over to Beth Z for forwarding to EPA.

TX

CC: Bendell, Daniel; McCabe, Vincent; Zicca, Elizabeth

From: Peter Doshna
To: DeCicco, Pete; Krebs, Carol
Date: 11/7/02 10:43AM
Subject: Re: Cannizaro Plaza enforcement

Carol

See below

Can you tell us what you have on Cannizaro Plaza so we don't have to guess what this vintage 1995 referral was for ? I'm almost done with the whole list. You will get it as soon as it is finished.

>>> Pete DeCicco 11/07/02 10:35AM >>>

Pete, After speaking with Vinnie yesterday here is what I can tell you:

-Vinnie has no recollection of the original referral.

-We both think that a likely subject of the referral was the "dry wells" (Sump bottom catch basins) at Cannizaro Mobil.

Can we get more info. from the Regional Attorney instead of guessing?

-Those dry wells are still in place at the site. This is an underground injection issue for possible EPA enforcement.

-There are PBS issues with this site including a Spill of Oct 29, 2002 relating to the breach of the inner wall of a double walled 4K tank. That tank is scheduled to be pulled next week.

Pete

CC: Altieri, Vincent; Bendell, Daniel; McCabe, Vincent

From: Peter Doshna
To: DeCicco, Pete; Krebs, Carol
Date: 11/7/02 11:08AM
Subject: Re: Cannizaro Plaza enforcement

Thanks Carol. The list of 9/24/02 is almost done. You should have it by next week.

>>> Carol Krebs 11/07/02 11:02AM >>>

hi Pete - all I have is what's in Vista- I don't have a file even. the pin no. is 93550, and the spill no. is 93-14268. the address, tho it seems you don't need it, is route 376, Hopewell Junction. do what you can, but if we can't figure out what the old referral is for, it can't be too urgent. Beth can close out the old referral and then open under a new number and address the current problems there. this list was generated because Marc doesn't want older cases on the docket, so we are focussing on getting them off. thanks, Carol

ATTORNEY WORK PRODUCT and/or
ATTORNEY CLIENT PRIVILEGED MATERIAL
FOIL EXEMPT

Carol Krebs
Assistant Regional Attorney
Region 3
Department of Environmental Conservation
845-256-3038

This e-mail, including attachments, may contain certain information that is confidential and it may be protected by the attorney/client or other privileges. This e-mail, including attachments, constitutes non-public information intended to be conveyed only to the designated recipient(s). If you are not the intended recipient, please delete this e-mail, including attachments, and notify the sender by return e-mail or by phone. The unauthorized use, dissemination, distribution or reproduction of this e-mail, including attachments, is prohibited and may be unlawful.

CC: Altieri, Vincent; Bendell, Daniel; McCabe, Vincent